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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,615	11/15/2001	Takeshi Tajima	04329.2697	7417

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EXAMINER

CHUNG, JI YONG DAVID

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/987,615	Applicant(s) TAJIMA ET AL.	
	Examiner Ji-Yong D. Chung	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/28/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application:
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/20/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Information Disclosure Statement

1. The Examiner has considered the references listed on the Information Disclosure Statement, submitted on May 20, 2003 (see attached PTO-1449).

Claim Objections

2. **Claims 8 and 9** are objected to because of the following informalities: Claims 8 and 9 refer to claims 1 and 2 and cite limitations that contain to "computer code device." Taken literally, there is insufficient antecedent basis for such limitations in the claims.

Claims 8 and 9 immediately follow independent claim 7, which clarifies the above-mentioned limitation. For the purpose of further examination on merits, it is assumed that claims 8 and 9 contain typographical errors and that the base claim from which they depend is claim 7.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. **Claims 1-9** are rejected under 35 U.S.C. 102(e)(2) as being anticipated by Falcon et al (Falcon hereafter).

With regard to **claim 1**, Falcon discloses *a communication device switching control system comprising:*

a plurality of communication devices (54 modem and 64 network card, Fig. 2);

a memory configured store operational state information concerning each of the plurality of communication devices (See lines 15-29, column 6);

a selection device configured to select a desired one of the plurality of communication devices (Fig. 6 shows connection manager's User Interface, which can be used to select one of communication devices);

a state information administrative device configured to set up usable with respect to operational information of said selected communication device, and to store the setting operational state information to said memory (88 wizard, Fig. 4) and

a controller configured to control the selected communication device, in accordance with the setting operational state information stored in said memory. (78 connection manager, Fig. 3).

With regard to **claim 2**, Fowler teaches the system according claim 1, *wherein said controller temporarily stops each of the plurality of communication devices and thereafter starts the communication device selected by said selection device, if the setting operational state information is stored to the memory.* Figure 9 shows that the connections that have been disabled ("transferred to memory") will be made unavailable

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("stopped"). See from line 55, column 8 to line 6, column 9 for its description. Fig. 11 shows activated device ("selected device") being turned on in step 1112.

With respect to **claim 3**, Falcon shows a notification device (means for performing step 1106, Fig. 11 or means for performing step 1110, Fig. 11) *configured to notify a user that each of the communication devices is temporarily stopped while each communication device is temporarily stopped*. Notification means represented by step 1106 indicates the device is "not available" (therefore stopped). Notification means represented by step 1110 asks which one of the devices (which are not in use and thus "stopped", to use).

Claims 4-6 cite all the corresponding limitations of claims 1-3 but in method form rather than in apparatus form. The reasons for the rejections of claims 1-3 apply to claims 4-6, and therefore, the claims 4-6 are rejected for the same reasons.

Claims 7-9 cite all the corresponding limitations of claims 1-3 but with "computer code device" replacing many of the words in the limitations of claims 1-3. The reasons for the rejections of claims 1-3 apply to claims 7-9, and therefore, the claims 7-9 are rejected for the same reasons.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji-Yong D. Chung whose telephone number is (571) 272-7988. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ji-Yong D. Chung
Patent Examiner
Art Unit: 2143


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SUPERVISORY PATENT EXAMINER
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